

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #8	CCRB Case #: 201906434	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 07/21/2019 3:55 PM, Sunday, 07/21/2019 5:00 PM	Location of Incident: Outside 245 Hawthorne Street; 71st PCT stationhouse	Precinct: 71	18 Mo. SOL 1/21/2021	EO SOL 9/7/2021	
Date/Time CV Reported Sun, 07/21/2019 4:54 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/23/2019 11:25 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Christian Carlin	303	941501	071 PCT
2. POM Adam Elmaadawy	10563	956618	071 PCT
3. POM Christian Mele	29333	965331	071 PCT
4. POM Asim Karim	13733	956015	071 PCT
5. POM Lawrence Spina	29582	965547	071 PCT
6. POM Jonathan Connors	10739	966000	071 PCT
7. POM Sohaib Rasool	19491	959920	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM John Arriaga	31466	964894	071 PCT
2. POM Robert Mui	08191	956117	071 PCT
3. POM Darren Leggett	21554	951909	071 PCT
4. POM Ervin Cecja	10645	955802	071 PCT
5. SGT Jesse Peterford	04085	956163	061 PCT
6. POM Robert Aviles	08502	948633	071 PCT
7. POF Viktoria Bibolova	12818	960248	071 PCT
8. POM Anson Lancaster	15549	930525	071 PCT
9. POF Lizbeth Lopez	11114	966173	071 PCT
10. POF Alyssia Hernandez	03984	964553	071 PCT
11. POF Jennifer Caparatta	06626	961553	071 PCT
12. POF Karen Londonocristancho	05397	961899	071 PCT
13. POM Michael Hughes	08346	960691	071 PCT
14. POM Yiyong Ren	14968	956196	071 PCT
15. POM Calibin Raisan	10426	956187	069 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
16. POM Adrian Duran	19454	959612	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Christian Carlin	Force: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin used physical force against § 87(2)(b)	
B.SGT Christian Carlin	Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin spoke discourteously to § 87(2)(b)	
C.SGT Christian Carlin	Abuse: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin damaged § 87(2)(b)'s property.	
D.POM Adam Elmaadawy	Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Adam Elmaadawy used physical force against § 87(2)(b)	
E.POM Asim Karim	Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Asim Karim used physical force against § 87(2)(b)	
F.SGT Christian Carlin	Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin spoke discourteously to individuals.	
G.POM Jonathan Connors	Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Police Officer Jonathan Connors spoke discourteously to individuals.	
H.SGT Christian Carlin	Force: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin used physical force against § 87(2)(b)	
I.POM Lawrence Spina	Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Lawrence Spina used physical force against § 87(2)(b)	
J.POM Adam Elmaadawy	Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Adam Elmaadawy used physical force against § 87(2)(b)	
K.POM Christian Mele	Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Christian Mele used physical force against § 87(2)(b)	
L.POM Sohaib Rasool	Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Police Officer Sohaib Rasool spoke discourteously to individuals.	

Case Summary

On July 21, 2019, this complaint was filed anonymously via phone with IAB under original log #19-28108, on behalf of § 87(2)(b). On August 1, 2020, this complaint was received by the CCRB. On July 23, 2019, § 87(2)(b) filed a complaint with the CCRB via phone regarding this incident.

On July 21, 2019, at 3:55 p.m., outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin of the 71st Precinct used physical force against § 87(2)(b) (**Allegation A: Force, § 87(2)(g)**). Sgt. Carlin allegedly spoke discourteously to § 87(2)(b) (**Allegation B: Discourtesy, § 87(2)(g)**). Sgt. Carlin allegedly damaged § 87(2)(b)'s property (**Allegation C: Abuse of Authority, § 87(2)(g)**). Police Officer Adam Elmaadawy and Police Officer Asim Karim of the 71st Precinct used physical force against § 87(2)(b) (**Allegations D and E: Force, § 87(2)(g)**). Sgt. Carlin and Police Officer Jonathan Connors of the 71st Precinct spoke discourteously to individuals (**Allegations F and G: Discourtesy, § 87(2)(g)**). Sgt. Carlin, Police Officer Lawrence Spina, Police Officer Adam Elmaadawy, and Police Officer Christian Mele of the 71st Precinct used physical force against § 87(2)(b) (**Allegations H-K: Force, § 87(2)(g)**). Police Officer Sohaib Rasool of the 71st Precinct spoke discourteously to individuals (**Allegation L: Discourtesy, § 87(2)(g)**).

Four individuals were arrested in connection with this incident: § 87(2)(b) and § 87(2)(b) (Board Review 84).

This case contains body-worn camera (BWC) footage (BR 43-72), cell phone footage (BR 12), and surveillance footage from 250 Hawthorne Street and 245 Hawthorne Street in Brooklyn (BR 11 and 15).

Findings and Recommendations

Allegation (A) Force: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin used physical force against § 87(2)(b)

In her sworn statement provided August 1, 2019, § 87(2)(b) described leaving her apartment in the early evening of July 21, 2019 to participate in a water fight (BR 01). § 87(2)(b) stated that her “entire block” partook in the water fight, which continued for around an hour. At some point, § 87(2)(b) observed a deliveryman, who was drenched in water and appeared upset, call the police.

At approximately 5:55 p.m., § 87(2)(b) who was holding a squirt gun, observed Sgt. Carlin and other officers walking in her direction. § 87(2)(b) claimed during her interview to be unaware of whether any water from her gun hit Sgt. Carlin but stated that “if it did” it landed on his shoe. Sgt. Carlin then, without saying anything aside from “Oh yeah, oh yeah,” attempted to yank the squirt gun from § 87(2)(b)'s hand. Sgt. Carlin was initially unsuccessful in taking the gun, which was hooked on § 87(2)(b)'s hand. As § 87(2)(b) yelled, “Get the fuck off of me” and a friend of hers, § 87(2)(b) held onto her other hand, Sgt. Carlin succeeded in taking the squirt gun. Sgt. Carlin then grabbed § 87(2)(b) by her shirt and hands as § 87(2)(b) attempted to push him off her. § 87(2)(b) was unable to describe in detail what happened next and stated that it felt like

“hands were going everywhere.” Sgt. Carlin then punched § 87(2)(b) in the face. § 87(2)(b) denied that she or § 87(2)(b) punched Sgt. Carlin.

§ 87(2)(b)'s initial complaint was generally consistent with her sworn statement (BR 76). In her initial complaint, § 87(2)(b) admitted to squirting Sgt. Carlin once with the squirt gun.

§ 87(2)(b) provided a statement to the CCRB which was generally consistent with that of § 87(2)(b) (BR 04). § 87(2)(b) a friend of § 87(2)(b) provided a statement which was generally consistent with § 87(2)(b)'s, but acknowledged that § 87(2)(b) punched Sgt. Carlin at least once after he struck her (BR 03). § 87(2)(b) did not provide a statement to the CCRB.

§ 87(2)(b)'s medical records indicate that she complained to hospital staff that she was punched and thrown into a parked car (BR 39). She was diagnosed with a contusion of the left shoulder.

In his CCRB interview on September 5, 2020, Sgt. Carlin described receiving two complaints regarding the water fight outside 245 Hawthorne Street (BR 05). The first concerned a deliveryman who was doused with water. When the deliveryman attempted to confront the individual who doused him, the same individual punched the deliveryman in the face. The second concerned an individual who was doused with water through an open window when they were driving their car, almost causing them to crash.

Sgt. Carlin called for additional units to respond and went to address the group playing with water, with the sole intent de-escalating the situation by advising them that their behavior was reckless, creating a hazard, and constituted harassment of people not interested in getting water thrown on them. Upon approaching the group, § 87(2)(b) sprayed Sgt. Carlin with a squirt gun. In response, Sgt. Carlin decided to place § 87(2)(b) under arrest for harassment, solely because she had sprayed him with the squirt gun. In his CCRB interview, Sgt. Carlin described the squirt gun as being filled with an “unknown liquid”; however, Sgt. Carlin was unable to articulate any factors indicating the squirt gun was filled with a substance other than water. A brief struggle ensued as § 87(2)(b) did not let go of the squirt gun. § 87(2)(b) and § 87(2)(b) punched Sgt. Carlin in the front and back of the head, respectively, and almost immediately afterwards Carlin punched § 87(2)(b). Sgt. Carlin did not recall where on § 87(2)(b)'s body his fist made contact. Sgt. Carlin stated during the interview that he punched § 87(2)(b) solely in self-defense. After punching § 87(2)(b) Sgt. Carlin pursued her and was attacked by an unknown male, who also punched Sgt. Carlin in the face.

TRI documentation containing photos of Sgt. Carlin and § 87(2)(b)'s injuries may be reviewed at BR 21-28.

No officer interviewed by the investigation acknowledged witnessing Sgt. Carlin strike § 87(2)(b) (BR 06-09). All the officers otherwise provided accounts generally consistent with that of Sgt. Carlin. Multiple officers identified the vicinity of 245 Hawthorne Street as a problem area with violent gang activity.

This allegation is depicted briefly at 02:01 minutes in PO Aviles' BWC (BR 50), as well as in cell phone footage (BR 12). The force is most clearly depicted in the surveillance footage attached to Board Review 11 from 8:55 minutes until 9:35 minutes, based on the VLC timecode. A zoomed-in, slowed-down version of this footage may be reviewed at Board Review 77. A PDF containing extracted frames from this portion of footage, which may be reviewed using the left and right arrow keys on one's keyboard, may be reviewed at Board Review 78.

At around 08:40 minutes in the original footage attached to Board Review 11, and at 00:07 minutes in the footage attached to Board Review 77, § 87(2)(b) squirts Sgt. Carlin once with a water gun. A struggle over the water gun ensues, with PO Elmaadaway removing the gun from § 87(2)(b)'s hands at 09:08 in the original footage and 00:35 in the slowed down footage. At 09:17 minutes in the original footage and 00:43 in the slowed down footage, Sgt. Carlin, § 87(2)(b) and § 87(2)(b) are depicted moving towards a red vehicle. The footage depicts Sgt. Carlin punching § 87(2)(b) at 09:32 minutes in the original footage, and at 00:59 minutes in the slowed down, cropped footage. The footage does not clearly depict whether § 87(2)(b) or § 87(2)(b) strike Sgt. Carlin in the face but appears to show § 87(2)(b) throwing punches at Sgt. Carlin at 09:30 minutes. Sgt. Carlin's BWC deactivates at the beginning of the struggle and does not clearly depict the force used (BR 48).

When played the footage attached to Board Review 11 at 09:17 minutes, Sgt. Carlin claimed that the footage depicted him being pulled against the red car by § 87(2)(b) (BR 05). Sgt. Carlin identified himself as striking § 87(2)(b) at 09:32 minutes. Sgt. Carlin stated that § 87(2)(b) is depicted striking him around 09:31 minutes in the footage.

A person is guilty of harassment in the second degree when, with intent to harass, annoy or alarm another person: 1. He or she strikes, shoves, kicks or otherwise subjects such other person to physical contact, or attempts or threatens to do the same; or 2. He or she follows a person in or about a public place or places; or 3. He or she engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose. Harassment in the second degree is a violation. (NY CLS Penal § 240.26, BR 79)

Patrol Guide section 221-01 states that the primary duty of all members of the service is to protect human life (BR 80). force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. When appropriate and consistent with personal safety, officers are instructed to use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.

In assessing whether the use of force is reasonable, officers are instructed to consider the following factors:

- a. The nature and severity of the crime/circumstances.
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders

- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

Sgt. Carlin's stated intention at the outset of the interaction was to de-escalate the situation by advising the individuals that their behavior was reckless, creating a hazard, and constituted harassment of people not interested in getting water thrown on them. By the time Sgt. Carlin left the scene, four people had been placed under arrest and at least as many people had sustained visible physical injuries, and a large number of officers had been forced to respond to the scene in order to perform crowd control. § 87(2)(g)

At the time Sgt. Carlin attempted to grab the water gun from her hands, § 87(2)(b) was suspected solely of spraying him with a water gun. § 87(2)(g). The Patrol Guide instructs officers to consider the "nature and severity" of a crime in assessing whether it is reasonable to use force. It also requires them to attempt to de-escalate situations prior to using force when appropriate. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (B) Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin spoke discourteously to § 87(2)(b)

In his statement provided August 27, 2019, § 87(2)(b) alleged that Sgt. Carlin told § 87(2)(b) "Give me the fucking water gun" in the midst of the struggle described above (BR 04). No other civilian made this allegation.

This statement is not depicted on body-worn camera footage. The BWC audio depicting this portion of the incident is distorted by loud background music and thus does not show whether Sgt. Carlin made the alleged statement (BR 48-51).

Sgt. Carlin did not recall if he made this statement (BR 05).

§ 87(2)(g)

Allegation (C) Abuse of Authority: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin damaged § 87(2)(b)'s property.

§ 87(2)(b) alleged that after Sgt. Carlin took § 87(2)(b)'s squirt gun, he broke it in half over his knee (BR 04). § 87(2)(b) also alleged that Sgt. Carlin broke the water gun in half but did not specify how Sgt. Carlin did this (BR 01). § 87(2)(b)'s water gun was not there when she returned to 245 Hawthorne Street after this incident, and she was unable to provide documentation of the alleged damage (BR 02).

Surveillance footage and BWC show that PO Elmaadawy assisted Sgt. Carlin in retrieving the squirt gun from § 87(2)(b) and that it was ultimately the latter who obtained the squirt gun (see Board Review 51 at 01:30 minutes). PO Elmaadawy testified that he did not recall what happened to the squirt gun after he took it. The BWC does not show what happened to the squirt gun, but suggests that PO Elmaadawy dropped it as he went to assist officers with arresting § 87(2)(b).

§ 87(2)(g)

Allegation (D) Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Adam Elmaadawy used physical force against § 87(2)(b)

Allegation (E) Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Asim Karim used physical force against § 87(2)(b)

In his phone statement, § 87(2)(b) stated that he attempted to pull § 87(2)(b) away from Sgt. Carlin, at which point two officers, identified by the CCRB as PO Elmaadawy and PO Karim, grabbed § 87(2)(b)'s arms and tripped him, causing him to fall onto the ground (BR 04). On the ground, the officers placed their knees on § 87(2)(b)'s back. An additional officer who § 87(2)(b) could not see placed their knee against the back of his neck, near his shoulder, and held it there for approximately 30 seconds. § 87(2)(b) denied throwing water on any officers.

Surveillance footage shows § 87(2)(b) at 09:22 minutes running up to the group of officers near § 87(2)(b) and throwing a bucket of water on them (BR 11). § 87(2)(b) is then depicted fleeing towards the left side of the screen, where officers are depicted grabbing him, bringing him to the ground in a controlled fashion, and placing him in handcuffs. No officer is depicted tripping § 87(2)(b) or placing their knee on § 87(2)(b)'s back or neck. This incident is also depicted on the BWC of PO Robert Aviles (BR 50), PO Karim (BR 52) and PO Elmaadawy (BR 51), at 01:58, 00:44 minutes and 1:39 minutes, respectively.

PO Elmaadawy provided testimony to the CCRB which was consistent with the BWC and surveillance footage (BR 08). PO Karim was not interviewed regarding this incident.

Patrol Guide section 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (BR 80). When appropriate and consistent with personal safety, officers are instructed to use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. Officers are instructed to consider the following factors:

- a. The nature and severity of the crime/circumstances.
- b. Actions taken by the subject
- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators
- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(b), § 87(2)(g)

Allegation (F) Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin spoke discourteously to individuals.

Allegation (G) Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Police Officer Jonathan Connors spoke discourteously to individuals.

At 04:10 minutes in Police Officer Lizbeth Lopez's BWC, a female civilian is depicted complaining that Sgt. Carlin punched the woman in the face for no reason (BR 55). A male officer who is not depicted on screen, identified by the CCRB Sgt. Carlin, can be heard replying, "Fuck you, she hit me first." When presented with this footage, Sgt. Carlin denied recognizing the voice stating, "Fuck you, she hit me first" (BR 10). Sgt. Carlin was unable to explain why an officer other than himself would be making this statement, given the preceding events involving

§ 87(2)(b)

At 07:15 minutes in his BWC, PO Connors is depicted arguing with a group of civilians about Sgt. Carlin's actions towards § 87(2)(b) (BR 49). PO Connors is depicted stating, "I don't give a

fuck,” and “Get the fuck out of here.” When presented with this footage, PO Connors denied directing these statements at anyone, claimed that he was speaking to himself, and stated that he made these statements in the context of an “heightened situation.”

Patrol Guide Procedure 200-02 requires that officers treat civilians with courtesy and respect (BR 81).

In DCT Case 2013-10143, the Deputy Commissioner of Trials noted that they have “consistently held that while police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations” (BR 85). In this case, the Deputy Commissioner of Trials cited Disciplinary Case No. 77896/02, in which an officer told a “belligerent and difficult” suspect, “I’ll do whatever the fuck I want out here” and was found not guilty of discourtesy.

At the time Sgt. Carlin and PO Connors made these statements, no one was being arrested and no other law enforcement action was being taken. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation (H) Force: Outside 245 Hawthorne Street in Brooklyn, Sergeant Christian Carlin used physical force against § 87(2)(b)

Allegation (I) Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Lawrence Spina used physical force against § 87(2)(b)

Allegation (J) Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Adam Elmaadawy used physical force against § 87(2)(b)

Allegation (K) Force: Outside 245 Hawthorne Street in Brooklyn, Police Officer Christian Mele used physical force against § 87(2)(b)

In his phone statement provided August 22, 2019, § 87(2)(b) stated that after Sgt. Carlin punched § 87(2)(b) he participated in what he called a “chaotic brawl” with officers (BR 03). § 87(2)(b) at some later point observed around seven officers approaching him. § 87(2)(b) tried to run and was grabbed by an officer who punched him in the lower right side of his back several times. The same officer then tripped § 87(2)(b) in conjunction with other officers and kicked his legs out from under him. Once § 87(2)(b) was on the ground, the officers attempted to turn § 87(2)(b) onto his stomach, but § 87(2)(b) stiffened his body to prevent the officers from doing so. The officers were ultimately not able to flip him onto his stomach and front-cuffed § 87(2)(b). § 87(2)(b) stated that he resisted the officers because he had not done anything wrong during the incident. § 87(2)(b) ultimately did not provide a sworn statement to the investigation.

In her sworn statement, § 87(2)(b) described seeing § 87(2)(b) prone on the ground with officers holding his hands and punching him in his back (BR 01). No other civilian provided a statement regarding these allegations.

PO Spina provided testimony that was generally consistent with § 87(2)(b) (BR 09). PO Spina testified that after the altercation with § 87(2)(b) Sgt. Carlin instructed him to arrest § 87(2)(b) for spraying officers with a hose. PO Spina then approached § 87(2)(b) told him he was under

arrest, and grabbed his arm. PO Spina did not recall where he grabbed § 87(2)(b)'s arm, or when he told § 87(2)(b) he was under arrest in relation to when he grabbed him. § 87(2)(b) whose body was slippery and wet, pulled his arm back and moved it around to avoid PO Spina's grasp. PO Spina then brought § 87(2)(b) to the ground, but did not remember exactly how he did this. PO Spina did this because § 87(2)(b) was taller than him, and because it would make handcuffing § 87(2)(b) easier. Once § 87(2)(b) was on the ground, § 87(2)(b) held his arms under his body and threw his elbows to prevent the officers from grabbing his hands. Around 3-4 officers participated in trying to arrest § 87(2)(b). The officers repeatedly told § 87(2)(b) to give them his hands, which he ignored. § 87(2)(b) who was extremely strong, told the officers, "It's gonna take 20 of you guys to get me in cuffs." PO Spina repeatedly tried to get his hands under and around § 87(2)(b)'s elbows to grab his wrists. Eventually, PO Spina was pushed out of the circle of officers by the other officers. PO Spina sustained an injury to his knee during his attempts to arrest § 87(2)(b). PO Spina did not recall punching § 87(2)(b).

PO Elmaadawy and PO Mele both provided testimony that was generally consistent with that of PO Spina (BR 08 and 07). Both officers testified that they used their batons to move § 87(2)(b)'s limbs to facilitate him being handcuffed. Sgt. Carlin voiced no recollection of the circumstances of § 87(2)(b)'s arrest during his CCRB interview.

This portion of the incident is depicted on BWC. PO Spina's BWC is generally consistent with his testimony and depicts PO Spina punching § 87(2)(b) at 1:20 minutes in the footage (BR 63). At 6:42 minutes in PO Lopez's BWC, it appears that Sgt. Carlin is depicted punching § 87(2)(b) (BR 55). Both officers claimed during their CCRB interviews to be unable to see themselves punching § 87(2)(b) when presented with this footage (BR 09 and 05).

Patrol Guide section 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (BR 80). When appropriate and consistent with personal safety, officers are instructed to use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.

In assessing whether the use of force is reasonable, officers are instructed to consider the following factors:

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- c. Duration of the action
- d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders
- e. Whether the subject is actively resisting custody
- f. Whether the subject is attempting to evade arrest by flight
- g. Number of subjects in comparison to the number of MOS
- h. Size, age, and condition of the subject in comparison to the MOS
- i. Subject's violent history, if known
- j. Presence of hostile crowd or agitators

- k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (L) Discourtesy: Outside 245 Hawthorne Street in Brooklyn, Police Officer Sohaib Rasool spoke discourteously to individuals.

Between 05:38 and 05:57 minutes in his BWC footage, PO Rasool is depicted telling a group of unidentified civilians to “get the fuck back” (BR 56). PO Rasool was not interviewed regarding this incident.

Patrol Guide Procedure 200-02 requires that officers treat civilians with courtesy and respect (BR 80).

In DCT Case 2013-10143, the Deputy Commissioner of Trials noted that they have “consistently held that while police officers are held to a high standard of conduct, traditional rules of etiquette cannot be applied to stressful enforcement situations” (Board Review 85). In this case, the Deputy Commissioner of Trials cited Disciplinary Case No. 77896/02, in which an officer told a “belligerent and difficult” suspect, “I’ll do whatever the fuck I want out here” and was found not guilty of discourtesy (BR 81).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 84).

- PO Duran has been a member of service for five years. In that time, he has been the subject of four allegations in two prior cases, none of which were substantiated § 87(2)(b)
- Sgt. Carlin has been a member of service for 14 years. In that time, he has been the subject of seven allegations in three other cases, none of which were substantiated § 87(2)(b)
- PO Elmaadawy has been a member of service for six years. In that time, he has been the subject of 12 allegations in five other cases, none of which were substantiated § 87(2)(g)
- PO Mele has been a member of service for two years. In that time, he has been the subject of one allegation in one additional case, which is currently under investigation.
- PO Karim has been a member of service for six years. In that time, he has been the subject of eight allegations in four prior cases, none of which were substantiated § 87(2)(b)
- PO Spina has been a member of service for three years. In that time, he has been the subject of two allegations in two prior cases, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
 - A FOIL request to determine whether a Notice of Claim was filed regarding this incident was submitted on December 23, 2020 and is currently pending.
 - According to the Office of Court Administration database, § 87(2)(b) has no criminal convictions in New York City (BR 75). § 87(2)(b)'s charges pertaining to this case are not listed in the Office of Court Administration database.
 - § 87(2)(b)
- [REDACTED]
- [REDACTED]

Squad No.: 8

Investigator: Charlie Hartford Inv. Charlie Hartford 12/31/20
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date